

PUBLIC

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UA 297/05 Legal concern/Fear of torture/Health concern

USA Fawaz Naman Hamoud Abdullah Mahdi (m), Saudi Arabian national

Saudi Arabian national Fawaz Mahdi, who is held virtually incommunicado at the US naval base at Guantánamo, is now known to be suffering severe psychological problems, for which he is not receiving adequate treatment.

A Yemeni national held in Guantánamo, who was recently handed over to the Yemeni authorities, has told Amnesty International that Fawaz Mahdi is suffering from severe psychological problems and is regularly subjected to punishment without any consideration of his mental state. Fawaz Mahdi's lawyer has confirmed to Amnesty International that her client has had severe psychological problems since before he was detained.

Fawaz Mahdi has now been held without charge or trial and virtually incommunicado with no direct access to independent medical experts or direct access to his family for nearly four years. He has only recently had access to a lawyer. Amnesty International is concerned that his mental health is likely to have deteriorated severely in these conditions, and that he may not be receiving appropriate medical care. He is also at risk of torture or ill-treatment at Guantánamo.

Fawaz Mahdi was captured in Afghanistan in 2001. At a hearing before the Combatant Status Review Tribunal (CSRT) he admitted to training to fight US forces in Afghanistan. According to now-declassified documents, he also admitted to turning himself in, along with his weapon, to US-aligned Northern Alliance forces while he was fighting with the forces of the then-ruling Taliban in Afghanistan.

Before the CSRT hearings began, the CSRT panel itself raised the issue of Fawaz Mahdi's mental capacity to participate. The panel determined that he was mentally capable of participating. Having reviewed two psychiatric examinations, the panel also found that "While these were persuasive in advancing the notion that the detainee suffers from a form of mental illness, they were not persuasive as to whether the detainee had acted as an Enemy Combatant". The panel also noted that two documents presented as evidence stated that information offered by the detainee should be considered "highly unreliable" and that "there may be nuggets of vitally useful information buried [beneath] the mountain of psychiatric nonsense."

Fawzi Mahdi submitted a statement to the CSRT panel which was read out by his personal representative. Excerpts from the statement are transcribed in the decision as follows:

"I Fawaz want you to know he did not know the meaning of Al Queda...I accused myself in front of the interrogators of many things to hasten my assumed execution rather than going to prison...I did not want to fight at all...I was there because I was told only the Jihad places had magic things inside...But my friends and the Mullah told me to fight. I tried to pray to the Koran, to cleanse my soul. I had to fight Jihad as a last resort to cleanse my soul...I was told I have magic disease...I went to the hospital...I experience some psychological problems while I was in the hospital."

The CSRT panel determined that Fawaz Mahdi was properly classified as an "enemy combatant" on the basis of his statement even though they recognized his mental health problems. The panel determined that he should remain detained at Guantánamo Bay indefinitely.

Amnesty International has dismissed the CSRT process as beyond any internationally recognized legal procedures. It is a purely administrative process which disregards international law. It consists of panels of

three military officers whose sole purpose is to confirm or reject each detainee's status as a so-called "enemy combatant". The CSRT process places the burden on the detainee to disprove his "enemy combatant" status. The detainee does not have access to legal counsel or to secret evidence. Many detainees have chosen not to attend the CSRT proceedings against them.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English or your own language:

- expressing concern about the psychological state of Guantánamo Bay detainee Fawaz Mahdi, and seeking assurances that he is being afforded appropriate medical care;
- expressing concern that the decision to keep Fawaz Mahdi in custody as an "enemy combatant" relied heavily on his own statement, despite his obviously disturbed mental state, and pointing out that he had no legal representation during the CSRT process, which disregards international law;
- calling on the US authorities to release Fawaz Mahdi unless he is to be charged with a recognizably criminal offence and tried in accordance with international law.

APPEALS TO:

Donald Rumsfeld, Secretary of Defense, The Pentagon, Washington DC 20301, USA

Fax: + 1 703 697 8339

Salutation: Dear Secretary of Defense

Matthew Waxman, Deputy Assistant Secretary of Defense for Detainee Affairs

2500 Defense Pentagon 5E420, Washington, DC 2031, USA

Fax: +1 703 697 6166

Salutation: Dear Deputy Assistant Secretary of Defense

and to diplomatic representatives of the USA accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 6 January 2006.